

(2) *a felony of the third degree if the person has been previously convicted two or more times of an offense under this section.*

(d) *It is a defense to prosecution under this section that the audiovisual recording function of the device was operated solely for official law enforcement purposes.*

(e) *If conduct constituting an offense under this section also constitutes an offense under another law, the actor may be prosecuted under this section, the other law, or both.*

(f) *A person who reasonably believes that another has knowingly operated the audiovisual recording function of any device in a motion picture theater in violation of this section is privileged to detain that person in a reasonable manner and for a reasonable time to allow for the arrival of law enforcement authorities.*

SECTION 2. This Act takes effect September 1, 2005.

Passed the Senate on April 13, 2005: Yeas 30, Nays 0; the Senate concurred in House amendment on May 3, 2005: Yeas 31, Nays 0; passed the House, with amendment, on April 27, 2005, by a non-record vote.

Approved May 13, 2005.

Effective September 1, 2005.

## CHAPTER 47

S.B. No. 1298

### AN ACT

relating to restrictions on the transfer of a fuel tank to a metal recycling entity.

*Be it enacted by the Legislature of the State of Texas:*

SECTION 1. Section 1956.103, Occupations Code, is amended by adding Subsection (c) to read as follows:

(c) *Subsection (a) does not apply to a fuel tank that has been completely drained and rendered unusable in accordance with Texas Commission on Environmental Quality rules regardless of whether the fuel tank is attached to a motor vehicle.*

SECTION 2. Section 1956.104, Occupations Code, is amended to read as follows:

Sec. 1956.104. NOTICE OF RESTRICTIONS. A metal recycling entity shall post in a conspicuous location a notice that:

- (1) is readily visible to a person selling material to the metal recycling entity;
- (2) is at least 24 inches horizontally by 18 inches vertically; and
- (3) contains the following language:

### TEXAS LAW PROHIBITS:

1. THE SALE OF A WHOLE, FLATTENED, OR JUNKED MOTOR VEHICLE, AN APPLIANCE, OR ANY OTHER SCRAP METAL ITEM CONTAINING A LEAD-ACID BATTERY, FUEL TANK *THAT HAS NOT BEEN COMPLETELY DRAINED AND RENDERED UNUSABLE*, OR PCB-CONTAINING CAPACITOR; AND

2. THE SALE OF LEAD-ACID BATTERIES, FUEL TANKS *THAT HAVE NOT BEEN COMPLETELY DRAINED AND RENDERED UNUSABLE*, OR PCB-CONTAINING CAPACITORS INCLUDED WITH OTHER SCRAP METALS WITHOUT OUR PRIOR WRITTEN ACKNOWLEDGMENT.

### VIOLATION OF THIS LAW IS A MISDEMEANOR.

SECTION 3. (a) The Texas Commission on Environmental Quality shall adopt standards required under Subsection (c), Section 1956.103, Occupations Code, as added by this Act, defining fuel tanks that are completely drained and unusable not later than December 1, 2005.

(b) The change in law made by this Act applies only to the sale or transfer of a fuel tank to a metal recycling entity on or after January 1, 2006. A fuel tank sold or transferred before that date is subject to the law in effect immediately before the effective date of this Act, and that law is continued in effect for that purpose.

SECTION 4. This Act takes effect September 1, 2005.

Passed the Senate on April 20, 2005: Yeas 31, Nays 0; passed the House on May 4, 2005, by a non-record vote.

Approved May 13, 2005.

Effective September 1, 2005.

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## CHAPTER 48

### H.B. No. 224

#### AN ACT

relating to the treatment of certain persons younger than 18 years of age admitted for voluntary inpatient mental health services and discharge from that treatment for those persons.

*Be it enacted by the Legislature of the State of Texas:*

SECTION 1. Section 572.004(i), Health and Safety Code, is amended to read as follows:

(i) On receipt of a written request for discharge from a patient admitted under Section 572.002(3)(B) *who is younger than 18 years of age*, a facility shall consult with ~~notify~~ the patient's parent, managing conservator, or guardian *regarding the discharge. If the parent, managing conservator, or guardian objects in writing to the patient's discharge, the facility shall continue treatment of the patient as a voluntary patient* ~~[of the request]~~.

SECTION 2. Section 576.025(a), Health and Safety Code, is amended to read as follows:

(a) A person may not administer a psychoactive medication to a patient receiving voluntary or involuntary mental health services who refuses the administration unless:

- (1) the patient is having a medication-related emergency;
- (2) the patient is younger than 16 years of age, *or the patient is younger than 18 years of age and is a patient admitted for voluntary mental health services under Section 572.002(3)(B)*, and the patient's parent, managing conservator, or guardian consents to the administration on behalf of the patient;
- (3) the refusing patient's representative authorized by law to consent on behalf of the patient has consented to the administration;
- (4) the administration of the medication regardless of the patient's refusal is authorized by an order issued under Section 574.106; or
- (5) the patient is receiving court-ordered mental health services authorized by an order issued under:
  - (A) Chapter 46B or Article 46.03, Code of Criminal Procedure; or
  - (B) Chapter 55, Family Code.

SECTION 3. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2005.

Passed the House on April 4, 2005: Yeas 141, Nays 0; 1 present not voting; passed the Senate on May 5, 2005: Yeas 31, Nays 0.

Approved May 17, 2005.

Effective May 17, 2005.